

BENJAMIN, WEILL & MAZER
A PROFESSIONAL CORPORATION
235 MONTGOMERY STREET, SUITE 760
SAN FRANCISCO, CA 94104
(415) 421-0730

ANDREW J. WEILL (SBN 073093)

weill@bwmlaw.com

CAROLYN M. LEE (SBN 249889)

lee@bwmlaw.com

BENJAMIN, WEILL & MAZER

A Professional Corporation

235 Montgomery Street, Suite 760

San Francisco, California 94104

Telephone: (415) 421-0730

RICHARD A. NEBB (SBN146239)

mebb@vierramagen.com

VIERRA MAGEN MARCUS & DENIRO LLP

575 Market Street, Suite 2500

San Francisco, CA 94105

Telephone: (415) 369-9660

Attorneys for Defendant

PENINSULA COMPONENTS, INC.

D/B/A PENCOM

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

PENN ENGINEERING &
MANUFACTURING CORP., and
PEM MANAGEMENT, INC.,

Plaintiffs,

v.

PENINSULA COMPONENTS, INC.,

Defendant.

Case No. C07 04231 CRB

**(PROPOSED) ORDER
GRANTING MOTION, TO
COMPEL MEDIATION,
VACATE EXISTING
SCHEDULING ORDER, AND
STAY PROCEEDINGS**

Hearing Date: July 11, 2008

Hearing Time: 10:00 a.m.

This matter came on for hearing on July 11, 2008, on Defendant Pencom's motion to compel mediation conducted through the court-sponsored ADR process without delay. Pencom also moved the Court to vacate the existing scheduling

1 order and stay further proceedings pending the outcome of mediation. Andrew J.
2 Weill of Benjamin, Weill & Mazer APC appeared and argued in support of the
3 motion. Rebecca Benyon of the firm Kellogg, Huber, Hanson, Todd, Evans &
4 Figel, PLLC, appeared and argued in opposition to the motion.

5 The Court has read the papers submitted in support of and in opposition to
6 the motion, and considered the arguments of counsel and the authorities cited to
7 the court. Based on all facts in evidence and the arguments, the Court concludes
8 that Defendant Pencom's motion to order the parties to mediation through the
9 court's ADR process and to vacate the scheduling order and stay all further
10 proceedings pending the outcome of mediation should be GRANTED.

11 IT IS ORDERED THAT:

12 1. The parties mediate their claims through the court-sponsored ADR
13 process. Mediation will occur no later than August 11, 2008.

14 2. The parties will come before the Court for a Case Management
15 Conference on August 25, 2008, to report progress in resolving the dispute
16 between them. The parties shall submit a joint Case Management Conference
17 Statement no later than one week prior to the Case Management Conference.

18 3. The scheduling order approved by this Court on February 29, 2008,
19 is vacated. The parties will propose a revised discovery plan during the Case
20 Management Conference to be held following mediation.

21 4. All further proceedings in this action are stayed pending mediation.

22
23 Dated: _____, 2008

24 _____
25 Charles R. Breyer
26 United States District Judge
27
28